

stitution of the United States, it shall be the duty of the said court or judge ordering such release or discharge for said cause to reduce his opinion to writing within five days after ordering said release or discharge, and to transmit the original papers in said case, together with a copy of its or his order of release or discharge, and of his said opinion, under his hand and seal, to the clerk of the court of appeals; and it shall be the duty of the said court to consider the papers so transmitted to its said clerk, including said order of release or discharge, and said opinion, at the earliest practicable period, after the receipt thereof by its said clerk, and to give its opinion in writing upon the case so presented; and the said opinion so given shall have and possess the same authority as if the same was filed in a case formally heard and determined in said court on appeal.

*Habeas corpus* issued in accordance with this section; question of constitutionality of the liquor law of 1917, ch. 13, applying to certain districts of Prince George's county. See notes to art. 16, sec. 1, Md. Constitution. *Beall v. State*, 131 Md. 671.

For a case held to be properly before the appellate court for review under this section, see *State v. Glenn*, 54 Md. 593.

This section held to have no application. *Annapolis v. Howard*, 80 Md. 246.

1920, ch. 515, sec. 17A.

17. Whenever application shall be made for a writ of habeas corpus to inquire into the cause of detention of any person, who shall be confined in any penal institution in this State, it shall be the duty of the Judge granting said writ, upon fixing the time for hearing, to instruct the clerk of the court in which such judge shall then be sitting, to give such notice of the time and place of such hearing to the State's Attorney for the county or city from which such person shall have been committed to such penal institution as will enable such State's Attorney to attend such hearing on behalf of the State.

1920, ch. 515, sec. 17B.

18. Whenever upon a return to a writ of habeas corpus and hearing thereon, it shall appear that any person is detained in any penal institution in this State by virtue of any commitment of any Justice of the Peace of this State or transcript from any court of record of this State, and such commitment or transcript shall show or it shall otherwise appear to the Court that the Justice of the Peace or court by whom or by which sentence was imposed on such person had jurisdiction to hear and determine the case in which such sentence was imposed, and that the sentence so imposed was such as was provided by the laws of this State for the crime with which such person was charged before such justice or in such court, the court to whom the return to such writ shall be made shall not by reason of any errors, omissions or irregularities which may appear on the face of such commitment or transcript, discharge the person so held, but may direct that such commitment or transcript shall be returned by the officer in whose custody such person shall be detained to the Justice of the Peace or court from whom or from which such commitment or transcript shall have been received in order that such errors, omissions or irregularities may be corrected by such Justice of the Peace